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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

WSB WALNUT ASSOCIATES, LLC, et al.,)
)
 Plaintiffs,)
)
 v.)
)
 UNITED STATES OF AMERICA, et al.,)
)
 Defendants.)

Case No. 04-0898 MHP

UNITED STATES OF AMERICA,)
)
 Counterclaimant,)
)
 v.)
)
 WSB WALNUT ASSOCIATES, LLC, et al.,)
)
 Counterclaim Defendants.)

**PARTIES' STIPULATED REQUEST
TO CONTINUE DISCOVERY AND
MOTION HEARING DATE AND
~~Proposed~~ ORDER THEREON**

**IT IS HEREBY STIPULATED AND AGREED AND RESPECTFULLY
REQUESTED** by and between the parties to this action, as reflected by the signatures of their
respective counsel as set forth below, that the discovery deadline and motion hearing date
currently set for November 15, 2005, and January 23, 2006, respectively, be continued to

1 January 17, 2006, and March 20, 2006.

2 The grounds for this stipulated request are:

3
4 1. The parties have engaged in good faith in the discovery process and Plaintiff has
5 taken two depositions. However, the parties are working cooperatively to determine the date and
6 logistics for taking the deposition of Plaintiff, Carol West, who is currently living in France. The
7 parties believe that Ms. West can be deposed by January 17, 2006.

8 Continuing the discovery deadline and motion hearing date is not requested for the
9 purposes of delay. Rather, the continuance of these dates will allow the parties sufficient time in
10 which to effectively conclude the discovery process and to thereafter present sufficient evidence
11 to the Court for resolution of this issues in this case.
12

13 Accordingly, the parties respectfully request that the Court continue the discovery
14 deadline and motion hearing date to January 17, 2006, and March 20, 2006, at 2:00 p.m.
15 respectively.
16

17
18 Respectfully submitted,

19 CRAIGIE, McCARTHY & CLOW
20

21 Dated: December 16, 2005 /s/ Kristen E. Drake
22 Kristen E. Drake
23 Attorneys for Plaintiffs
24 WSB Walnut Associates, LLC,
Joseph Brady and Carol West

25 KEVIN V. RYAN
26 United States Attorney

27 Dated: December 16, 2005 By: /s/ Cynthia Stier
28 CYNTHIA STIER
Assistant United States Attorney
Attorneys for the United States of America

ORDER

Pursuant to the Stipulation of the parties as set forth above, and for good cause shown,

IT IS HEREBY ORDERED that the discovery deadline is continued from November 15, 2005, to January 17, 2006.

IT IS FURTHER HEREBY ORDERED that the motion hearing date currently scheduled for January 23, 2006, at 2:00 p.m. is continued to March 20, 2006, at 2:00 p.m.

Dated: 12/19/2005

THE HONORABLE MARILYN H. PATEL
United States District Judge

